

TAB K

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UNITED STATES DISTRICT COURT

District of Massachusetts

CYCLE-CRAFT CO., INC.)
d/b/a BOSTON)
HARLEY-DAVIDSON/BUELL,)
Plaintiff,)

VS.)

Case No.
04 11402 NMG

HARLEY-DAVIDSON MOTOR)
COMPANY, INC., and BUELL)
DISTRIBUTION COMPANY, LLC.)
Defendants.)

DEPOSITION OF STEPHEN T. VESEY, a witness
called by and on behalf of the Defendants, taken
pursuant to the applicable provisions of the Federal
Rules of Civil Procedure, before Sandra L. Bray,
Registered Diplomate Reporter, CSR Number 103593, and
Notary Public in and for Commonwealth of Massachusetts,
at the offices of Bingham McCutchen, 150 Federal Street,
Boston, Massachusetts, on Wednesday, June 22, 2005,
commencing at 10:01 a.m.

REPORTERS, INC.
GENERAL & TECHNICAL COURT REPORTING
23 Merrymont Road, Quincy, MA 02169
617.786.7783/facsimile 617.786.7723

1 MS. SMAGULA: Objection. You can
2 answer.

3 Q. You can answer.

4 MS. SMAGULA: I'm going to object
5 for legal reasons, and that doesn't mean that
6 you can't answer the question. It's just for
7 the record later.

8 A. I shared with Miss Smagula --

9 MS. SMAGULA: Smagula.

10 A. -- Smagula the conversation I had with
11 Mr. Atwood.

12 Q. Let's talk about the conversation you had with
13 Mr. Atwood.

14 A. Yes.

15 Q. You had a discussion with Mr. Atwood about
16 this litigation?

17 A. Yes.

18 Q. And when was that?

19 A. Third week of March.

20 Q. What did you discuss with Mr. Atwood?

21 A. Really what was the nature of the huge
22 increase in legal fees. "Something's got to
23 be going on. Management -- your manager won't
24 tell me what's going on. You have to tell me

1 what's going on, John."

2 Q. And did he tell you what's going on?

3 MS. SMAGULA: Objection.

4 A. Briefly.

5 Q. What did he say?

6 A. He told me that they had shipped some bikes to
7 Florida and apparently they did it wrong or
8 inappropriately or in violation of something,
9 and as a result of that, Harley was taking
10 actions to try to take his franchise away.

11 Q. Anything else Mr. Atwood told you about the
12 case?

13 A. I asked him if it had anything to do with -- I
14 know a few years ago he joined up with a
15 dealership up in New Hampshire to try to stop
16 Harley from putting a dealership into Danvers,
17 and I suggested, "Is this a squeeze play on
18 Harley's part," and he said, "I don't think
19 so."

20 Q. Anything else Mr. Atwood said to you about the
21 case?

22 A. No. Very close-mouthed about it.

23 Q. Did you ask any questions?

24 A. No.